

## **BOARD DOCUMENT NO. 07-05**

### **PRIVATE DETECTIVES LICENSING BOARD**

Minutes of the Meeting

held on

June 21, 2007

at 9:30 a.m.

Indiana Government Center South

302 West Washington Street,

Conference Room 14

Indianapolis, IN 46204

Board Members in Attendance: Don Johnson, President  
Dean Jessup  
Steven G. Craycraft  
Lt. Jerry Berkey, ISP Representative  
Penelope Hughes  
C. Tim Wilcox

Board Members Absent: Fredrick Graessle, Vice-President

State Official present: Donna Sembrowski, Deputy Attorney General

Minutes transcribed and  
Compiled by: Deborah Widemon, Board Director

### **MINUTE NO. 07-31**

#### **CALL TO ORDER**

The application review committee meeting commenced at 9:00 a.m. The regular board meeting was called to order at 9:30 a.m., pursuant to public notice of the board posted at least forty-eight (48) hours prior to the time of the meeting. The agenda is attached and marked as **EXHIBIT 07-05A**.

### **MINUTE NO. 07-32**

#### **ADOPTION OF THE AGENDA**

T. Wilcox moved to adopt the agenda. P. Hughes seconded the motion. Motion carried.

### **MINUTE NO. 07-33**

#### **ADOPTION OF THE MINUTES FROM MAY 17, 2007 MEETING OF THE BOARD**

S. Craycraft moved to adopt the minutes of May 17, 2007 as amended. P. Hughes seconded the motion. Motion carried.

#### **MINUTE NO. 07-34**

#### **DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS**

#### **IN THE MATTER OF JAMES E. RICHARDSON, LICENSE NO. AE20501030 & AE29904837 AND INDIANA INVESTIGATIONS, INC. LICENSE NO. PD19900077**

Mr. Richardson and Indiana Investigations, Inc. were not present and were not represented by counsel. Tanisha Willoughby represented the State of Indiana.

S. Craycraft moved to combine the cases in the matter of James E. Richardson and the matter of Indiana Investigations, Inc. P. Hughes seconded the motion. Motion carried.

Ms. Willoughby reminded the Board that a Notice of Proposed Default was issued on June 4, 2007 and that a response had not been received from the Respondent. She further asked that the Board find Mr. Richardson in Default.

S. Craycraft moved to hold the respondents in Default. D. Jessup recused himself. P. Hughes seconded the motion. Motion carried.

Ms. Willoughby continued by informing the Board that the Respondent has engaged in unlicensed practice and accepting payment from a client and not completing the work for which he was hired. She added that the respondent did not respond to a subpoena to testify at a child custody hearing. Ms. Willoughby informed the Board that the State believes that the respondent is in violation of the private detective statute and all the counts alleged in the complaint.

Ms. Willoughby further requested that the Board impose the appropriate sanctions and order the respondent to pay the costs of the proceedings.

S. Craycraft moved to permanently revoke the respondents licenses; pay a civil penalty of \$100 per count with a total of \$1,000 and pay the costs of proceedings. T. Wilcox seconded the motion. D. Jessup recused himself. Motion carried.

#### **IN THE MATTER OF LOUIS GOSSER D/B/A EAGLE EYE – RE: NOTICE OF PROPOSED DISMISSAL ORDER**

Mr. Gosser submitted a timely petition of the denial of his application for a private detective and a hearing was set for April 4, 2007. Mr. Gosser did not appear and was not represented by counsel. The Board was indirectly notified that Mr. Gosser had died but, the Board has not been able to verify this information.

P. Hughes moved to affirm the administrative law judge's order to dismiss the matter. S. Craycraft seconded the motion. Motion carried.

#### **MINUTE NO. 07-35**

#### **ACTION ON APPLICATIONS - NEW APPLICATIONS FOR INITIAL ISSUANCE, APPLICATIONS PREVIOUSLY TABLED, RENEWAL APPLICATIONS**

During the application's committee meeting, the Board considered the issuance of a license to the above listed applications.

A list of approved, tabled and denied applications are attached and marked as **BOARD EXHIBIT 07-05B**.

**MINUTE NO. 07-36  
OLD/NEW BUSINESS**

**GATES SECURITY & INVESTIGATIONS, PD10200069 – RE: REQUEST TO  
CONTINUE BUSINESS AFTER THE DEATH OF THE QUALIFIER**

The Board reviewed a request from Fred Johnson requesting to continue the business after the death of the agency's qualifier, James Gates, Jr. The Board noted that Mr. Johnson did not meet the qualifications set out in IC 25-30-1-9 of the private detective statute.

D. Johnson moved to deny the request. S. Craycraft seconded the motion. Motion carried.

**REVIEW OF REVISED APPLICATIONS AND INSTRUCTIONS FOR LICENSURE**

The Board reviewed the revised application and instructions. The Board also noted that each agency currently in an active status would be mailed a letter informing the agency of the new legislative changes and requesting that they determined which professional license they would like to hold. And if the agency would like to practice both professions they should submit an application for consideration by the Board for the other profession.

**MINUTE NO. 07-37  
DISCUSSION**

**POTENTIAL AMENDMENTS TO IC 25-30 AND TITLE 862 OF THE INDIANA  
ADMINISTRATIVE CODE**

**DISCUSSION OF SENATE ENROLLED ACT NO. 506**

Wade Lowhorn, Deputy Director for IPLA informed the Board that SEA 506 changed the make up of the board. The Act requires that two (2) members are associated with a security guard agency and two (2) members are associated with a private investigator firm. D. Johnson noted that he planned to submit an application for review as a security guard agency and T. Wilcox noted that his agency is currently associated with a security guard agency.

The Board suggested that Don Johnson and Tim Wilcox hold the two security guard agency positions and Fred Graessle and Dean Johnson hold the two private investigator firm positions. Wade Lowhorn informed the Board that he would recommend this suggestion to the governor's office.

Wade Lowhorn further reminded the Board that the licensure period is now four (4) years and that an expiration date should be determined. The Board decided that the expiration date should be October 1, 2011 every four (4) years. Mr. Lowhorn further suggested that the renewal process change to allow licensees to renew online. He

informed them that the renewal information would still be required, but did not need to be submitted with the application. He continued by explaining to the Board that a random audit could be conducted at the end of each renewal period requesting that the licensee submit criminal histories and proof of insurance.

**LSA DOCUMENT #07-62 – RE: READOPTION OF PRIVATE DETECTIVE RULES**

Deborah Widemon, Board Director reminded the Board that every seven (7) years the licensing rules must be readopted and requested that they make a motion to start the process of readopting the rules.

D. Johnson informed the Board that the rules had been reviewed and the cost and/or requirements imposed on small businesses have been considered. He also noted the list of rules that would impose costs and/or requirements.

The Notice of Intent to Adopt a Rule, which lists the rules are attached and marked as **EXHIBIT 07-05C**.

D. Jessup moved to proceed with submitting the final rule document to the Indiana Register. S. Craycraft seconded the motion. Motion carried.

**MINUTE NO. 07-38  
ADJOURNMENT**

There being no further business, the meeting adjourned at 1:30 p.m..

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Don Johnson, President**

**ATTEST:**

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**Deborah Widemon, Board Director**